

September 19, 2022

Janet Yellen
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Ave, NW
Washington, DC 20220

Dear Secretary Yellen,

I write with alarm about recent reports that actors in China have repeatedly accessed the data of U.S. citizens who used the social media app TikTok. Last week, the Chief Operating Officer of TikTok testified in response to my questions that TikTok indeed has engineers in China who are able to access American user data and that the company has taken no measures to ensure that the employees in China accessing this data are not members of the Chinese Communist Party. The Committee on Foreign Investment in the United States (CFIUS), which you chair, should require TikTok to sever all ties from Chinese companies. TikTok should be entirely divested from ByteDance.

I have long warned about this problem. As I explained during a hearing I chaired on this issue in 2020, “TikTok is owned by a Chinese company that includes Chinese Communist Party members in leadership, and it is required by Chinese law to share user data with Beijing. TikTok has admitted that it has sent user data to China. To put it bluntly, this is a major security risk for the American people.”¹

TikTok has responded by saying that it no longer sends data to China. TikTok says, “We store all TikTok US user data in the United States,”² and in sworn testimony before a Senate subcommittee, TikTok executive Michael Beckerman quoted a Citizen Lab report that said, “In our testing, TikTok did not contact any servers within China.”³

Subsequent reports paint a different picture: TikTok is in fact sending data on Americans to China, where it is vulnerable to spying by the Chinese Communist government. BuzzFeed News reported that at least “nine different TikTok employees” have “indicat[ed] that engineers in China had access to US data between September 2021 and January 2022.”⁴ Leaked recordings indicate that “Everything is seen in China,” including by one Beijing-based engineer who “has access to everything.”⁵ The report concluded that “the company may have misled lawmakers, its users, and the public by downplaying that data stored in the US could still be accessed by employees in China.”

¹ <https://www.hawley.senate.gov/tiktok-national-security-threats-focus-hawleys-dangerous-partners-big-tech-and-beijing-hearing>

² <https://newsroom.tiktok.com/en-us/statement-on-tiktoks-content-moderation-and-data-security-practices>

³ https://www.youtube.com/watch?v=ZKr6yW_JqQA; report available at <https://citizenlab.ca/2021/03/tiktok-and-douyin-explained/>

⁴ <https://www.buzzfeednews.com/article/emilybakerwhite/tiktok-tapes-us-user-data-china-bytedance-access>

⁵ *Id.*

Last week, I questioned TikTok COO Vanessa Pappas during her testimony before the Senate Homeland Security and Governmental Affairs Committee. Contrary to TikTok's previous statements, Ms. Pappas acknowledged that TikTok has employees based in China who do access users' data. She also said that TikTok takes no steps to prevent employees accessing this data from being members of the Chinese Communist Party.⁶

This shocking testimony calls for action. I am therefore writing to you to exercise your responsibilities as Chair of CFIUS to ensure that the Chinese company ByteDance fully divests TikTok and that TikTok sever any connections with any other Chinese company.⁷ President Trump issued an order requiring divestiture in August 2020, but President Biden declined to enforce it when he took office. That was a mistake. Fortunately, it is not too late for a correction.

I am copying Federal Trade Commission Chair Lina Khan so the FTC can determine whether TikTok has violated federal laws, including by engaging in "unfair or deceptive acts or practices."⁸

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with a large loop at the end.

Josh Hawley
United States Senator

CC:
Lina Khan, Chair, Federal Trade Commission

⁶ <https://www.youtube.com/watch?v=vQsvXa4dj34>

⁷ 50 U.S.C. § 4565.

⁸ *See, e.g.*, 15 U.S.C. § 45.